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AN EXPLANATION OF THE FOREIGN MINISTER, MR. HACHIRO ARITA,  
MADE BEFORE THE DIET ON FEBRUARY 6 REGARDING  
THE ASAMA MARU INCIDENT.

February 6, 1940.

On February 1, in a supplementary remark to my address on Japan's foreign policy, I gave an outline of our negotiations with the British Government concerning the Asama Maru case. Since then we carried on in earnest our negotiations with a view to effecting a speedy settlement of the case. As a result, although we have not yet arrived at a complete settlement, we have reached an important stage in that direction. I desire to avail myself of this occasion to report on the progress so far achieved.

As I have already stated, the reply of the British Government to our protest of January 22 was transmitted to us through Ambassador Graigie in Tokyo under the date of January 27. In their note the British Government expressed their great regret at the occurrence of the incident so near our capital which aroused such profound indignation of our nation, and at the same time dwelt at length on their legal opinions of the case.

To this British note we replied under date of February 1 that we took note with pleasure that the British Government, giving serious consideration to the fact that the incident had aroused public feeling in Japan, expressed their regret. At the same time we made a detailed refutation of the British views from the legal standpoint, and requested for the return of the twenty-one Germans taken out of the Asama Maru, because we could not but arrive at the conclusion that the action of the British man-of-war was illegal under international law.

As regards the divergence of views between the two Governments, all its details will be made available in the official notes to be published this afternoon. However, to give a resumé of the matter, the British Government places an interpretation of their own on Article 47 of the Declaration of London, stipulating the category of enemy nationals who may be removed from a neutral ship engaged in peaceful navigation on the high seas, and, moreover, they contend that the said Declaration of London has no binding authority whatever, as it has not been ratified by the signatory Powers. The practice to remove enemy nationals from a neutral ship engaged in peaceful navigation is, the British Government claim, an established principle in international law. But according to the views of the Japanese Government, it is clear from the related documents concerning the Declaration of London that Article 47 should not be construed as it is interpreted by the British Government. Again, although the said Declaration has not been ratified it is considered as constituting rational adjustments and compromises between various principles regarding naval warfare, and it has been incorporated in the internal laws of many countries. In the light of this fact we believe that the Declaration of London should be regarded to serve as a criterion in the Law of Nations. Furthermore, if we were to assume that the Declaration is totally invalid as is contended by the British Government, the alternative would rather be that we should observe the general principle that no enemy nationals shall be taken out of a neutral ship engaged in peaceful navigation on the high seas. In brief, the British views have no foundation either in academic doctrines or in precedents for convincing us of their validity.

The Japanese Government maintain resolutely the above-stated views from the legal standpoint. But apart from the legalistic arguments,



our Government, with a view to facilitating an early settlement of the case from political considerations, urged upon the British Government more than once the importance to the Anglo-Japanese relations of the release by the British of the German in their hands as soon as possible. We asked the British Government for sincere reconsideration and endeavoured to achieve our objective. As a result, the British Government in a note under date of February 5 communicated to us that they could not alter their views but as an earnest<sup>desire</sup> of the British Government to settle the case amicably, they were prepared, while reserving all their legal rights concerning the case, to deliver to the proper Japanese authorities at such a time and place as may be agreed upon hereafter nine of the Germans in retention on the grounds that investigations as to their training and antecedents have disclosed the fact that some are relatively unsuitable for military service than others.

The Japanese Government appreciate the desire of the British Government to effect a speedy and amicable settlement of the case. However, the number of men to be returned being only a portion of those demanded by us we are by no means satisfied. Therefore, although we intend to take over the said nine men, it is our intention to continue in accordance with our above-mentioned views to insist upon the delivery by the British Government of the rest of the Germans in retention.

As for the future the Government have decided, in order to eliminate uneasiness on the part of Japanese vessels in navigation hereafter, to issue instructions to various Japanese shipping companies not to allow the persons who are embodied in the armed forces of the belligerent Powers (including those who are suspected as such) to

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take passage on board their vessels, and the necessary steps there-  
for have been called to the measures above stated. The circumstances  
being such, it is my firm belief that in the future the occurrence  
of an incident similar to that of the Asama Maru will be prevented.



C E R T I F I C A T E

Statement of Source and Authenticity

I, HAYASHI, Kaoru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 3 pages and entitled "An Explanation of the Foreign Minister, Mr. Hachiro Arita, made before the Diet on February 6, 1940 regarding the Asama Maru Incident." is an exact and true copy of an official document of the Japanese Foreign Office.

Certified at Tokyo

on this 14th day of January 1947.

K. Hayashi  
Signature of Official

Witness : T. Sato

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海陸丸事件ニ關スル有田外務大臣ノ訓令ニ於ケル説明

(昭和十五年二月六日)

海陸丸ニ關シマシテハ去ル一日ノ外交演説ニ附加致シマシテ英國側トノ  
交渉経緯ノ概要ヲ説明致シテ置イタノテアリマス。其ノ後政府ハ本件ノ  
解決ナル解決ヲ計ル目的ヲ以テ任意英國側ト交渉ヲ續ケテ参リマシタ。結  
果最終的解決ト申上ケル點ニハ行カナイノテアリマス。其解決上重要ナル  
一階段ニ到達スルコトヲ出テマシタノテ此ノ機會ニ於テ一應報告申上  
ケルモノ存シマス。

即ニ申上マシタ通り英國政府ハ一月二十七日在京「クレイギー」大使ヲ  
通シ一月二十二日ノ我方抗議ニ對シテ回答ヲ寄セテツタノテアリマス。  
カ右回答ニ於テ英國政府ハ今迄ノ如キ事件カ帝國ノ首都附近ニ於テ發生  
シ日本國民ノ權利ナル憤激ヲ引起シマシタコトニ對シ大イニ遺憾トス  
ル旨ヲ表示シテ参リマシタ。尙ホ之ト共ニ其ノ法律上ノ見解ヲ闡述シテ参  
ツタノテアリマス。

右英國側回答公文ニ對シ帝國政府ニ於ケマシテハ二月一日附公文ヲ以テ



先ツ英國政府カ本件カ我國與論ヲ刺戟致シマシタコトニ就シ特ニ慎重ナル考慮ヲ拂ヒ右回答公文ニ於テ遺憾ノ意思ヲ表明シテ密ツタコトヲ了承致シマヌルト共ニ前述英國側ノ法律上ノ見解ニ對シ詳細之ヲ論駁シ帝國政府ハ本件淺間丸事件ニ於ケル英國軍艦ノ行動ハ國際法上適法ナラヌトノ結論ニ到達セサルヲ得サルヲ以テ淺間丸ヨリ拉致セラレタル獨逸人二十一名ノ引渡ヲ要請スル旨申送ツタノデアリマス。

本件ニ關スル法律上ノ見解ノ相異ニ付テハ本日午後ニテ公表スル答ノ日英兩國公文ニ就テ詳細御承知ヲ願ヒ度イノデアリマス。要旨ヲ申上ケマス。英國側ニ於テハ公海ニ於テ平和的航海ニ從事シテ居ル中立船舶ヨリ拉致シ得ル敵國人ノ範圍ニ付テ規定シテ居リマヌル倫敦宣言第四十七條ニ獨特ノ解釋ヲ加ヘ且右倫敦宣言ハ調印國ニ依ツテ批准セラレ居タルニ依リ何等ノ拘束力ナキヲノデアルトシ而シテ平和的航海ニ從事スル中立船舶ヨリ敵國人ヲ拉致スル慣行ハ國際法上確立セラレタル原則デアルト主張シテ居ルノデアリマス。然レ乍ラ帝國政府ノ見解ニ依リマス。倫敦宣言第四十七條ハ英國側見解ノ如クニ解スヘキヲノテナイコト

當時ノ關係書類ニ依テ明カテアリ又倫敦宣言ハ批准セラレ居ラスト雖モ  
 同宣言ヲ海賊ニシテ主權ノ合理的ナル調整及妥協ヲ組成スルモノト  
 認メラレ多數ノ國ニ於テ其ノ國內法ヲ以テ之ニ違依シテ居ル事實ニ鑑ミ  
 國際法上ノ準則タルヘシモノト思フノテアリマス。更ニ若シ英側主張  
 ノ如ク同宣言ヲ全然無効テアルトスルヲハ寧ロ公海ニ於テ平和的航行  
 ニ從弗スル中立船舶ヨリ敵國人士拉致シ得ストスル一般原則ニ從ハナク  
 レハナラナイヨトナルノテアリマス。要スルニ英側ノ見解ハ之ヲ舉  
 說先例ニ照シテ見ルモノ何等我方ヲ屈服セシムルモノカナイト云フノテア  
 リマス。政府ハ飽々迄右ノ如ク我方ノ法律上ノ見解ヲ堅持スルモノテア  
 リマス。右法律上ノ議論ト併行致シマシテ政治的見地ヨリ迅速ナル解決  
 ヲ促シヤシト考ヘ英側側ハ此ノ際速ニ抑留獨逸人ノ引渡シニ應スルコト  
 カ日英兩國ノ大局上緊要ナル旨ヲ東京及倫敦ニ於テ數度ニ亙リ力説シ、  
 英側ノ誠意アル反省ヲ求メ斂意目的ノ貫徹ニ努メマシタ。其ノ結果英  
 側ニ於テ其ノ見解ハ之ヲ柱クルコトヲ得ナイカ、抑留獨逸人ニ關シ  
 テハ香港到着以來ノ訓練及經歷ヲ調査シタ所右ノ中或者ハ比較的軍務



ニ適ヤサルモノナルコト判明シタリトノ理由ヲ以テ本件ニ關スル法律上ノ權利ハ之ヲ一切留保スルモノナリト國法ニ解決セシトスル英政府ノ願ノ懸望トシテ九名ヲ引渡スヘク、右拘捕人ハ追テ協定セラルヘキ時期及場所ニ於テ適當ナル帝官憲ニ引渡ス用意アル旨ヲ二月五日附公文ヲ以テ通告シテ存ツルコトアリマス。

帝政府ニ於テ存ツルハ本件ノ範圍内ナル解決ヲ計ラントスル英政府ノ願望ハ之ヲ配ムニ容テサルモノナリマス。カ前記引渡員數ハ帝政府ノ要求スル一部分ニ過キマスカ故到底之ニ満足スルヲ得ナイノテアリマス。依ツテ右九名ハ之ヲ引取ルベリタリマス。カ、前述我見解ニ基キ今後共餘ク迄英政府ニ關シ強餘ノ拘留拘捕人ノ引渡方ヲ主張シ續ケントスルモノナリマス。尙將來ニ關シマシテハ政府ハ今後日本船舶航行上ノ不安ヲ除去スルニ資セシカ爲、今般本邦各般會社ニ對シ一般ニ交通ノ危險ニ關入ヤラレ居ル者(其ノ疑アル者ヲ含ム)ヲ本邦船へ乗船セシメサル様指令ヲ發スルコトトシ右手配ヲ完了致シマシタ。而シテ右指書ニ付テハ英政府ノ注意ヲ喚起シテ置イタノテアリマス。右様ノ

次第テ將來ニ於テハ淺間丸類似ノ事件ノ發生ハ之ヲ避ケ得ルヤノト確信  
スルヤノテアリマス。  
以上ヲ以テ淺間丸事件ニ關スル經過報告ヲ終リマス。



次第ヲ雖來ニ於テハ淺聞丸類似ノ事件ノ發生ハ之ヲ避ケ得ルヤノト確信  
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